

## MEMORANDUM

**Date:** October 29, 2014  
**To:** Transfer 79583  
**From:** Heather Bohac  
**Re:** Review & Evaluation of Sufficiency of Information

This transfer has two purposes: to change the place of use for water rights 35-7537 & 35-13708 and to correct the POD description for 35-7537. The owners would like to rearrange the places of use for the two water rights to create a 473-acre combined place of use. Corners of fields will be dried up to create two new pivots. Rock piles were carved out of the irrigation place of use in the SRBA. The rock piles will continue to be excluded from the place of use. Both water rights have always diverted from the same ground water well. However, because the well is close to a QQ line, the POD for water right 35-7537 was described incorrectly on the SRBA decree. This transfer will correct the POD designation for right 35-7537. The well is located in the SWSENE Section 4, T04N, R36E.

### Authority to File:

A warranty deed provided shows that Lynn & Kaylene Burtenshaw are the owners of the property involved in this transfer.

### Water Right Validity:

Water right 35-13708 was decreed in the SRBA in 2010. 35-7537 was decreed in the SRBA in 2002. Aerial photos available to IDWR indicate that most of the ground has been periodically irrigated. However, two of the corners look dry in most years. Farm service records provided by applicants and a signed affidavit from prior owners assert that the water rights have been used in their full capacity. At this time, IDWR does not have enough evidence to support a clear and convincing case of forfeiture. These rights remain subject to forfeiture if clear and convincing evidence of non-use comes available in the future.

### Injury to Other Water Rights:

Inside ESPA and within WD 120. ESPA analysis not required. PODs within the same model cell. Transfer not advertised since clerical changes to the point of diversion and not physical changes are taking place. Water master comment requested.

### Enlargement of Use:

No issues identified.

### Local Public interest:

No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.